Abstract:

Tourism is one of the fastest-growing industries worldwide. Tourism development has significant economic, cultural, and environmental effects. Many governments in developing countries, notably oil-dependent nations and territories like Iraq and the Kurdistan Region of Iraq (KRI), where the tourism industry is expanding quickly, are embracing tourism as an alternative economic growth approach. For the growth of the tourism industry as well as for businesses and services that are tied to it, access to land is essential. Accordingly, land use planning and management substantially impact the tourism development pattern, quality, and sustainability. Also, land-based incentivization has been at the core of tourism development and strategies in the KRI since the 2000s. Consequently, in popular tourist destinations like lower Dukan, the number of formal, informal, or illegal tourism projects has grown so fast that it raises questions about the effects of land use management and its short-term and long-term impacts on tourism development and development patterns in the KRI. Despite the need for informed land-use planning and management for sustainable and responsible tourism development in the KRI, a limited number of systematic and reliable researches on any aspect of tourism development in the KRI have been conducted. None of these relates to the focus of this paper. This paper addresses this knowledge gap by reviewing land-use policies, laws, and regulations in KRI and analyzing their impacts on tourism development in lower Dukan (a popular tourist destination in the central Dukan sub-district of the Kurdistan Region of Iraq). Through the collection and in-depth analysis of qualitative and quantitative data, this paper contributes to understanding land-use management and tourism development challenges and opportunities in post-conflict contexts and regions like KRI. Findings from the paper show that seven laws and a decision manage tourism lands in KRI and, only three of the laws and the decision regulated lands in lower Dukan. All these laws are at the national level and not localized. The content and implementation (or violation) of these land-management laws and decisions have resulted in a pattern of tourism development in lower Dukan that is rapid, inconsistent, and unsustainable. The use of land for incentivizing tourism development in KRI (including lower Dukan) resulted in fragmented and small-scale and non-strategic tourism projects by (primarily) local and inexperienced investors. The socioeconomic and
political instability of the region has been hurling the development and enforcement of informed, comprehensive, and coherent land-use management and tourism development strategies in KRI.

Key words: Land use management, tourism, tourism development, lower Dukan, Kurdistan Region of Iraq.

المملوكت:

السياحة هي واحدة من أسرع الصناعات نمواً في جميع أنحاء العالم. التنمية السياحية لها أثر اقتصادي وثقافي وبيئي كبير.

يندأد الاعتراف بالسياحة ك استراتيجية تنمية اقتصادية كبيرة لعدد من الحكومات في البلدان النامية، بما في ذلك البلدان المتقدمة على النطاق ومنطق مثل العراق وإقليم كردستان العراق حيث تتطور صناعة السياحة بسرعة. يعد الحصول على الأرض مطلبًا أساسيًا لتطوير السياحة والأنشطة المرتبطة بالسياحة. بناءً على ذلك، فإن تخطيط استخدام الأرض وإدارته لعب دوراً حاسماً في نجاح إقليم كردستان العراق في تطوير الإستراتيجيات السياحية في إقليم كردستان العراق تمتد أول من القرن الحادي والعشرين، والعديد من الإستراتيجيات السياحية الشهيرة مثل دوكان السفلى وغيرها.

على نطاق تنمية السياحة وجودتها واستدامتها. أيضًا، كان التحفيز القائم على الأرض في مصانع تنمية واستراتيجيات السياحة في إقليم كردستان العراق تمتد أول من القرن الحادي والعشرين، والعديد من الإستراتيجيات السياحية الشهيرة مثل دوكان السفلى وغيرها.

الاقتصاد السياحي الأساسي ونظام الإنتاج والهندسة السياحية على اعتبار أن إبرازها كبيرة لدرجة أنها تثير استنادًا حول إطار إقليم كردستان العراق تخطيط استخدام الأراضي وتخطيطها قسطية وطويلة الأمد على تنمية السياحة والأمن والتوجه في إقليم كردستان العراق. على الرغم من التي لا تزال المنحى في تخطيط وإدارة استخدام الأراضي ونظام الإنتاج والهندسة السياحية.

لا يتعلق أي من هذه القوانين أو القرارات بتركيز هذه الورقة تناول هذه الإستراتيجيات في إقليم كردستان العراق. تم إجراء عدد من القوانين والقرارات الموثوقة على أن قانون إدارة الأراضي في إقليم كردستان العراق هو إستراتيجية تنمية السياحة في إقليم كردستان العراق (بما في ذلك دوكان السفلى) إلى مناطق السياحة في منطقة دوكان الرئيسي في إقليم كردستان العراق. من خلال جمع وتحليل معلومات للنظام الرقمي والاقتصادي، تساهم هذه الورقة في فهم إعادة استخدام الأراضي وتحديات تنمية السياحة والفرص في سياقات ومناطق ما بعد الصراع في إقليم كردستان العراق.

تظهر النتائج من الورقة أن سبع قوانين وقرارات إدارة الأراضي السياحية في إقليم كردستان العراق، وثلاثة فقط من القوانين والقرار نظمت الأراضي في دوكان السفلى. كل هذه القوانين على المستوى الوطني وليس المحلية. أدت محتوى وإجراءات (إياتها) قوانين وقرارات إدارة الأراضي هذه إلى نمط من التنمية السياحية في منطقة دوكان السفلى يكون سريعاً وغير مستقراً وغير مستداماً. قد تم إجراء عدد من الملاحظات الموثوقة على أن قانون إدارة الأراضي في إقليم كردستان العراق تمتد أول من القرن الحادي والعشرين، والعديد من الإستراتيجيات السياحية في إقليم كردستان العراق (بما في ذلك دوكان السفلى) إلى مناطق السياحة في منطقة دوكان الرئيسي في إقليم كردستان العراق. تم إجراء عدد من القوانين والقرارات الموثوقة على أن قانون إدارة الأراضي في إقليم كردستان العراق هو إستراتيجية تنمية السياحة في إقليم كردستان العراق (بما في ذلك دوكان السفلى) إلى مناطق السياحة في منطقة دوكان الرئيسي في إقليم كردستان العراق. من خلال جمع وتحليل معلومات للنظام الرقمي والاقتصادي، تساهم هذه الورقة في فهم إعادة استخدام الأراضي وتحديات تنمية السياحة والفرص في سياقات ومناطق ما بعد الصراع في إقليم كردستان العراق.

الكلمات المفتاحية: إدارة استخدامات الأراضي، السياحة، التنمية السياحية، دوكان السفلى، إقليم كردستان العراق.

بپژه:

نُطنِت النتائج من الورقة أن سبع قوانين وقرارات إدارة الأراضي السياحية في إقليم كردستان العراق، وثلاثة فقط من القوانين والقرار نظمت الأراضي في دوكان السفلى. كل هذه القوانين على المستوى الوطني وليس المحلية. أدت محتوى وإجراءات (إياتها) قوانين وقرارات إدارة الأراضي هذه إلى نمط من التنمية السياحية في منطقة دوكان السفلى يكون سريعاً وغير مستقراً وغير مستداماً. قد تم إجراء عدد من الملاحظات الموثوقة على أن قانون إدارة الأراضي في إقليم كردستان العراق تمتد أول من القرن الحادي والعشرين، والعديد من الإستراتيجيات السياحية في إقليم كردستان العراق (بما في ذلك دوكان السفلى) إلى مناطق السياحة في منطقة دوكان الرئيسي في إقليم كردستان العراق. من خلال جمع وتحليل معلومات للنظام الرقمي والاقتصادي، تساهم هذه الورقة في فهم إعادة استخدام الأراضي وتحديات تنمية السياحة والفرص في سياقات ومناطق ما بعد الصراع في إقليم كردستان العراق.

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Introduction

Tourism is recognized as a complex social and economic phenomenon continuously developing worldwide. It is becoming clear that the expansion of the travel and tourism sector has substantial effects on the economy, culture, and environment. Recognized tourism as a different approach to economic development, using it to address some global macroeconomic issues, spur social reform, and project a positive image on a global scale, ushering in a period of too bountiful subsidies for the sector (Tosun & Jenkins, 1996). Tourism also establishes itself as the fastest-growing industry in the world, with 8.8 trillion US dollars (Morrison, 2022), and accounts for 10.4% of the world's GDP (P. Safran, 2015).

Numerous case studies worldwide show that tourism may significantly improve communities' livelihoods and help socio-cultural and environmental conservation when properly developed and planned with broad and genuine community participation." (Wondirad & Ewnetu, 2019). Tourism continues to be an economic development agent, especially in areas with fewer economic opportunities and high unemployment rates (Ashley & Mitchell, 2009). It opens up a range of economic and noneconomic prospects, including jobs for locals and small- and medium-sized tourism firms (including women and the youth), contribution to the local economy, cultural exchanges, capacity development, and improving various services and infrastructure (Kennedy, Monica, Maria, & Carlos, 2013). Tourism can positively affect the environment when responsibly developed by generating enough local income that distracts from pursuing destructive economic activities “such as logging, mining, traditional intensive farming and oil extraction” (de Haas, Barkema, & Veerkamp, 2002). The significance of tourism in "unlocking opportunities and fighting poverty" is highlighted in the vast majority of African strategies for reducing poverty (Mitchell & Coles, 2009). Also, governments of many developing countries introduce tourism as an attractive developmental option to sustain the national economy and decrease dependence on unsustainable sectors such as oil (Coccossis & Constantoglou, 2008). Many governments in developing countries, including Libya and Turkey, accept tourism as an alternative economic development strategy (Tosun & Jenkins, 1996).

For the growth of the tourism sector, access to land is a critical requirement. Lands are needed for tourism facilities, infrastructure, related services, and businesses (W. Safran, 2015). Tourism “is inextricably linked to land use and land cover” (Gössling, 2001). Since most tourism activities and infrastructures are specialized, land use planning (Nagarajan, et al., 1994) and policies can greatly impact tourism development. Because tourism encompasses a dynamic and varied range of land uses, it has drawn considerable attention in terms of land-use change and planning. For instance, tourism...
is acknowledged as a crucial element in the changing land use and landscape of regions like the coastal Mediterranean (Atik, et al., 2010).

Spatially, the expansion and development of tourism have benefited and harmed numerous towns. The main benefit has been an influx of extra amenities and necessary cash; the main issue has been growing capacity, which has led to stress and negated the industry's benevolent objectives. Therefore, if its effects serve a community's long-term interests, careful land management and considerable land use planning are required for tourism development (Murphy, 1980).

Tourism and tourism development are increasingly being recognized as one of the major industries for diversifying the oil-dependent economy of Iraq, especially in the Kurdistan Region of Iraq (KRI). Successive government cabinets of the Kurdistan Regional Government (KRG) have been mentioning and prioritizing tourism development in their Strategic Development Planning. This is mainly because the region has an exceptional wealth of natural and cultural tourism assets and attractions. Aside from a vast, varied, and unspoiled landscape with forests and mountains, the region (as part of the ancient civilizations of Mesopotamia) possesses an ancient and world-class cultural heritage of local and international importance. As a result, during the early 2000s economic boom, the tourism industry experienced significant expansion and development. Lands (be it in terms of incentivization or land use management) have stations like lower Dukan. The number of formal, informal, or illegal tourism projects has grown so fast that it raises questions about the effects of land use management and its short-term and long-term impacts on tourism development and development patterns in the KRI.

Despite the critical need for informed land-use planning and management for sustainable and responsible tourism development in the KRI, a limited number of systematic and reliable researches on any aspect of tourism development in the KRI have been conducted. Despite the key role of land use management in the tourism development of KRI, we could not find any research that documents and analyzes the effects of the existing land use management policies, laws, or regulations on tourism development in KRI. By examining the situation of tourism development in the lower Dukan (as a case study for comparable tourist destinations in the KRI) and the impacts of land-use management on tourism development in the lower Dukan, this research fills this knowledge gap.

1. Literature Review

1.1. Land Use Planning and Management

Land use has a key role in any development, including tourism development. Land use refers to “the total of arrangements, activities, and inputs that people undertake in a certain land type” (Watson, et al., 2000). It has a major influence on the environment and global environmental change (Ellis, et al., 2021). It defines the purpose and activities “through which people interact with land and terrestrial ecosystems” (Meyfroidt, et al., 2018). Although the scientific term and modern practice are more recent, archaeological findings show that the land use concept and practice by humans has a long history, dating back to thousands of years ago (Stephens, et al., 2019).

Tourism activities are largely spatialized. Tourism development largely depends on the availability, quality, quantity, and characteristics of land (Morrison, 2022). The land is needed for
almost every aspect of tourism and tourism-related businesses and services, including infrastructure and facilities (P. Safran, 2015). Accordingly, the availability and implementation of land use regulating within a certain area and time” (Dan, Son, Van Chan, Van Tin, & Hang, 2019). Although land use planning is mainly related to local tasks and concerns, it also has national and global consequences such as “the long-term stability of ecosystems, social justice, food and energy security, long-term economic growth, housing costs, and the mitigation of an adaptation to climate change” (Jiren, Dorresteijn, Schultner, & Fischer, 2018). As a result, in some nations, the national government enacts laws controlling lower land-use planning levels. In some nations, regional authorities control land use planning, while in others “land use powers are decentralized and local authorities have complete control over land use decisions.”

A system "that determines and regulates the use of land" is called land use management (Jiren, et al., 2018). It also refers to how land is regulated, accessed, acquired, and developed (Charlton, 2008). The practice of land use management is addressed “by which land is developed the usage of land is defined, and activities on land are regulated” (Ovens, Kitchen, Parnell, & Williams, 2007). Planning for development, especially sustainable development, is central to land use management (Chen, Liu, Liaw, & Yu, 2005).

Different land use management and planning types are needed to address land use issues and designation (Dan, et al., 2019). Land use planning and management are affected by various historic, cultural, social, environmental, political, and economic factors. Accordingly, different countries, cultures, and communities have different approaches, scales, and timings to land use planning and management. For instance, rural communities deal with significantly different problems and circumstances than urban ones, better known and understood by local governments than by higher levels of government (Jiren, et al., 2018). Recognizing the contextuality and place-based characteristics of lands, land use planning, and management across OECD countries is mostly delegated to local governments (Jiren, et al., 2018). Local governments in these nations develop comprehensive land use plans that comprise zoning restrictions, control land use, and also “prepare more strategic plans to address land use decisions” (Jiren, et al., 2018).

In a country like Vietnam, land use planning officially started in the 1960s, initially in rural areas. The reforms in land and land use planning law of the 1990s resulted in the formation of four levels of land use planning systems (national, provincial, district, and commune) (Dan, et al., 2019). In South Africa, land use is largely managed through regulations to control the consequences and impacts of activities perceived as negative (Charlton, 2008). This type of engagement “is more in line with an incentive-based approach aimed at encouraging and shaping development” (Charlton, 2008). For example, the Johannesburg Town Planning Scheme of 1979 emphasizes on “development control rather than performance criteria as a basis to adjudicate development” (Charlton, 2008). Still, within the same country, a significant difference in the land use management systems can be observed that are complicated, fragmented, and confusing (Ovens, et al., 2007). Ovens et al (2007) describe it as a “multiple and unequal systems of urban land management”(Ovens, et al., 2007).

Land use and allocation is a complex socioeconomic matter, especially in complex, decentralized, volatile, and unsustainable contexts (Dan, et al., 2019). For example, century-old land ownership and management combined with cultural dynamics and political and land policies and institutions

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negatively affected and slowed down the development and performance of the tourism sector in Pohnpei (P. Safran, 2015). The island’s weak system of land tenure constraints for economic use has resulted in:

- “constraints in accessing government and private lands for production and investment purposes,
- barriers to new business entry,
- obstacles to long-term land or lease-secured lending, and
- distorted allocation and land use patterns” (P. Safran, 2015).

Because land assets are locked outside the modern market economy, it is suggested that leveraging access to land is important for increasing income and productive activity. “cannot be leveraged or redeployed for production” (P. Safran, 2015). As a result, some states, like the Federated States of Micronesia (FSM), use “a compulsory adjudication and registration system that aims for a complete survey of FSM lands and registration of titles” (P. Safran, 2015). Deteriorating, out-of-date, and incomplete land registers hurdle proper survey and title targets (P. Safran, 2015). The “limited land area, the growing population, and the increasing economic activities in the region have placed greater pressure on the traditional landownership and the need to improve the security of rights, land management, and investment policies” (P. Safran, 2015).

### 1.2. Land Use Management and Tourism Development

Land use issues and management affect development, including tourism development. Sustainability has emerged as a central idea in development studies and tourism research specifically since the late 1980s (Xi, Scott, Kloxin, & Bowman, 2014) (Liu, Zhu, & Li, 2003). Sustainable tourism development must balance the tourist’s current needs and host regions and the future opportunities and needs for development (Berno & Bricker, 2001). It is anticipated as “leading to the management of all resources in such a way that economic, social, and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, biological diversity, and life support systems” (WTO, 2001). Accordingly, achieving sustainability requires balancing a series of trade-offs. For example, tourism lands “should be allocated according to the scale of tourism development and tourists’ demands, rather than being controlled blindly” (Berno & Bricker, 2001).

Unlike other developments, coherent land use management and regulation become more difficult in the context of tourism development (Chen, Liaw, Wu, Chen, & Chen, 1997). First, tourism demands (by nature) are “volatile, fluctuating seasonally, as well as with national and local economic prosperity and changes in currency exchange rates” (Chen, et al., 1997). The arrival of people and visitors to a tourist destination varies seasonally. As a result, an inconsistent demand for tourism services and activities occurs at different times. Some tourist destinations at certain times may experience a high volume of tourists and visitors than they can accommodate. In contrast, at other times, they may suffer from the lack of or limited number of tourists and visitors (Lee, Bergin-Seers, Galloway, O’Mahony, & McMurray, 2008).

Seasonality and the associated social, economic, and environmental effects are significant obstacles to the growth of the tourism industry (Lee, et al., 2008). Seasonality relating to tourism...
activities “is largely a temporal and spatial issue” (Lee, et al., 2008). Seasonality has two dimensions: “natural (physical) and institutional (social and cultural), involving both the origin and destination regions” (Butler & Mao, 1997). Natural seasonality “relates to temporal variations in natural phenomena (for example, rainfall, sunlight, temperature, and snowfall), of which the implications for certain forms of tourism demand are easily understood” (Butler & Mao, 1997). For example, “water-oriented tourism activities require a warm temperature, whereas snow skiing requires low temperatures and an abundance of snow” (Butler & Mao, 1997).

Land use regulation and management involving tourism development significantly differ from one context to another. While land use for tourism development in some countries or regions is under-regulated (have very limited land use regulations), in others, land use for tourism development is highly regulated by various levels of authority. Although tourism plays a key economic role in both the states of Queensland (Australia) and Hawaii (United States), their respective approaches to land use regulation and management differ significantly (Butler & Mao, 1997). For instance, relatively little regulation has been present regarding land use for tourism development in Queensland, especially during explosive tourism growth in the 1970s and 1980s (Van Fossen & Lafferty, 2001). This policy “was driven by an authoritarian National Party state government, with an explicit commitment to rapid development, often in the face of considerable community opposition” (Van Fossen & Lafferty, 2001). Furthermore, the substantially more free-market oriented approach to land use planning in Queensland “has been associated with establishing a relatively large number of small to medium-scale projects” (Van Fossen & Lafferty, 2001).

On the other hand, Hawaii has stringent laws governing the growth of the tourism industry (it has the most advanced and comprehensive system of land use planning and control in the United States, and maybe the whole world) (Van Fossen & Lafferty, 2001). Hawaii's tourism industry is governed both locally (by the State Land Use Commission) and nationally at several levels (numerous local authorities). Local community organizations are heavily involved in land use politics and building support for regulation (Van Fossen & Lafferty, 2001).

Hawaiian land use regulation is based on a number of criteria, including “[t]he integration of community interests and public concerns in land use decisions” and “[t]he need for coherent and consistent regulation in order to achieve sustainable development” (Van Fossen & Lafferty, 2001). Although Queensland is geographically a much larger state than Hawaii, the latter has a greater number of regions with a strong tourism potential. Only a small part of Queensland's overall land area is conducive to the growth of the tourism industry. Patterns of demand, “rather than systematic regulation as in Hawaii, have constrained Queensland’s tourism development” (Van Fossen & Lafferty, 2001). Consequently, this Australian state “has experienced ‘strip’ development, stretching along the most marketable coastline settings” (Van Fossen & Lafferty, 2001).

Land use-related issues in the context of tourism tend to be larger in developing countries and regions “where economic transformation and urbanization are rapid” (Morrison, 2022). The increased transfer of agricultural lands into tourism uses “raises several issues concerning land use, transfer, and management” (Morrison, 2022).
1.3. Land Use Management in Iraq and the Kurdistan Region of Iraq (KRI)

Land registration and property rights in Iraq, including KRI, have a long history, dating back to the Babylonian empire under Hammurabi from 1792 to 1750 BCE (L. Al-Ossmi & Ahmed, 2016). The current land systems (including registration and recording systems) are from the Ottoman occupation in 1534 (Fadel, 2013) and the subsequent interval under the British mandate (L. H. Al-Ossmi & Ahmed, 2015).

Under these occupier regimes, the land policy was “self-serving and designed to maintain and reinforce the existing political power”. For this purpose, large land areas were allocated to influential and pro-regime individuals. This policy led to “large accumulations of land and an agricultural economy based on poor peasants who had limited rights of tenure” (L. Al-Ossmi & Ahmed, 2016).

Generally speaking, it was under the Ottoman rule that Iraq's land management was initially established. During the Ottoman period, most of the lands were owned in a feudal system, by the powerful families of tribal lords (Nakash, 1994). Under the rural and tribal background of Iraq, land ownership was a right of men (Sleglet & Peter, 1983). This means that land was held by “socio-economic and political factors which combined to inhibit the development of individual landholding” (Sick, 2004). Under the Ottomans, land tenure was classified into several categories (see Table 1).

Table 1: The Ottoman Main Land Ownership Regulations in Iraq (L. H. Al-Ossmi & Ahmed, 2015).

<table>
<thead>
<tr>
<th>Land Type</th>
<th>System Name</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privately held Land</td>
<td>TAPU</td>
<td>Ottoman land rights law</td>
</tr>
<tr>
<td>Owned by Ottoman State</td>
<td>Anaraya (Miri)</td>
<td>Ottoman Land Rights law</td>
</tr>
<tr>
<td>Endowed Lands</td>
<td>Waqf</td>
<td>Ottoman land rights law</td>
</tr>
<tr>
<td>Public Land for general use</td>
<td>Mewat</td>
<td>Ottoman land rights law</td>
</tr>
</tbody>
</table>

TAPU (which was Ottoman’s form of land ownership title deeds) was the legal source that provided individual rights. However, further TAPU grants were banned after 1881, and the Ottomans made numerous attempts over the next thirty years to repossess the lands (Sleglet & Peter, 1983).

Under British rule, land ownership was re-examined by a newly established “Real Estate Registration” or RER, issued under Declaration No. 24 (1920) (L. Al-Ossmi & Ahmed, 2016). The first formal, comprehensive, and written documents (drawings) that distributed, classified, and regulated land use in Iraq were also developed during this era. These drawings were called cadastral maps. Cadastral maps meticulously recorded the meters and bounds of Iraq’s real estate (Steudler, Williamson, Rajabifard, & Enemark, 2004). In this realistic map, with an irregular shape or design, there were two classifications of lands: mountainous areas (belonging to the Ministry of Finance) and agricultural areas (belonging to the Ministry of Agriculture).

A few decades later, when Iraq became independent, large-scale land reform was implemented, especially in the rural tribal areas. The legal body policies and Iraq’s land basic structure were recognized and developed during this time. The time of land socialist reform and the Arab nationalism of the Arab Socialist Ba’ath Party are the two major segments of this era (ASBP) (L. Al-Ossmi & Ahmed, 2016). The demolishing of the old feudalist and tribalism systems under socialist ideology
has played a significant role in land ownership reforms in independent Iraq. ASBP’s emphasis on Arab Nationalism and centralization policy also extended to the Iraqi land administration and land policy. By the end of the 1970s, the basic TAPU land system of registration from the Ottoman period was finally replaced with the Real Estate Registration Departments (RERD) (Al Rashid, 2005).

During this period, “the land ownership document was recorded and validated and held the title deed document as the national legal proof of ownership” (L. Al-Ossmi & Ahmed, 2016). In later periods, as the Baath Party strengthened its hold on Iraq, public lands started to be misused for political gains by the ruling regime. As part of this, government-owned lands were allocated to supporters of the regime. At the same time, people from other ethnic groups such as Kurds and ethnic Iranians were deprived of property for which they held the title (L. Al-Ossmi & Ahmed, 2016). This discriminatory ethnic-based land management policy started to fade away in the aftermath of the 1991 uprising by the Kurdish people in Iraq and the establishment of the semi-autonomous KRI and the Kurdistan Regional Government.

Despite the relatively long history of land administration in Iraq, the first law that regulated and managed lands was Municipal Administration Law (No. 165 of 1964), which played an important role in shaping the Iraqi cities, including those in KRI. Aside from regulating land, the law also established the Ministry of Municipalities, which included the Planning Directorate that planned and administered lands across the country. A successive law (No. 80 of 1970) regulated the so-called princely (Ameriya or Miri) lands (owned by the state) within the municipal boundaries. Some of the gaps in these laws were addressed by Resolution (No. 13 of 1984).

Land use regulations in Iraq were centralized, with some areas designated for a particular use (agricultural, residential, or industrial). The restrictions on usage were listed in the title, and anytime a building permit or property transfer occurred, the authorities would review the property’s land use, sometimes arbitrarily (L. Al-Ossmi & Ahmed, 2016). Although since then in modern Iraq secular legal institutions have held power, religious law still functions in a large area of civil law. For example, land laws and regulations are rooted in and still depend on the Ottoman legal codes in the civil code rather than the modern laws (Sleglet & Peter, 1983). Aside from the underlying Islamic influence, the promulgation of the Ottoman land code was a remarkable and vital development in the empire’s administration (Stigall, 2007). The UN-HABITAT also confirms that Iraqi land ownership is still influenced by specific religious authorities ((UN-HABITAT), 2016).

In 1986, a law regulating state property sale and lease (Law No. 32) was passed. The law aimed at regulating the procedures for the treatment of state property with the greatest level of transparency, clarity, and fairness. This law requires the sale, lease, or rent of state properties to be in accordance with certain legal provisions(Council, 2015). According to this law, the land is given in the form of a lease or bid for a maximum of 25 years to develop a project. Both the land and any construction will then return to the state after reaching the maximum duration of the lease (Law of Sale and Lease of State Proprty,1986).

Law (No. 32 of 1986) continued to become a key land use management law in Iraq and KRI for decades later even after the establishment of the semi-autonomous KRI in the aftermath of the Gulf War and the Kurdish uprising in 1991. Law (No. 32) continued to regulate lands in KRI despite the
establishment of the first Kurdistan Regional Government and parliament and the issue of Law (No.15 of 1992) for establishing the Ministry of Municipality and Tourism, the main regulating body of lands in the KRI (Law of the Ministry of Municipalities and Tourism in KRI,1992). Despite issuing other land-use and tourism-related laws in KRI, Law (No. 32) continued to be used for land management in the context of tourism and others until the issue of Law (No. 1 of 2021) by the KRI parliament in which Law (No. 32) was amended (Law of Sale and Lease of State Propety in KRI,2021).

2. Methodology and Data Collection

As discussed in the previous section, tourism activities (generally) have spatial characteristics. Therefore, tourism development is largely affected by land-use policies, laws, and regulations. Despite the availability of tremendous cultural and natural resources and sites with high tourism potential, the tourism sector is still underdeveloped in the Kurdistan Region. In addition to the limited research on tourism development, no research can be found on the effect of land use planning and land use policies on tourism development in Iraq, especially in the Kurdistan Region of Iraq. For this purpose, this research examines three main questions:

- What are the land-use management instruments in KRI and how tourism lands are managed in KRI?
- What is the state of tourism development in lower Dukan and why?
- What are the effects of the existing land-use management instruments (policy, laws, and regulations) on tourism development in the lower Dukan (as a case study for comparable tourist destinations in KRI)?

In answering the research questions and selecting the research methodology, this research considers the type of research questions and objectives. Accordingly, to better analyze and measure the impacts of land-use policy, laws, and regulations on tourism development in the Kurdistan Region of Iraq, this research uses a case study approach (using a well-known, a popular, and accessible tourist destination in the Kurdistan Region as a case study, lower Dukan in the central Dukan sub-district) because of its facilitation for in-depth, contextual, and multi-faceted explorations of research questions involving “how” and “why” (McCombes, 2019) (Yin, 2003). The case study approach also helps in analyzing and synthesizing multiple data sources (such as interviews, content analysis, and statistics) to better understand a complex, real-world subject (Yin, 2003) (Crowe, et al., 2011). Since valid and reliable results and findings depend on the quality of the collected data, in this research context, the case study approach enables collecting and analyzing a larger amount of and higher quality data (Stenvall, Lahtinen, & Lyly, 2014).

As part of the case study, a mix of quantitative and qualitative data has been collected, analyzed, and synthesized. Descriptive statistics have been used to quantify and analyze quantitative data such as numbers, dates, area, and other numerical and quantitative data. Given the subjective nature of qualitative data (including this research’s qualitative data), this research utilizes content analysis and grounded theory to analyze and categorize the collected qualitative data. Some of the collected data are primary data (i.e. collected for this research such as maps, interview responses, and field notes) while the others are secondary data from other sources such as statistics, reports, policies, regulations,
and laws. The primary data was collected by reviewing maps, drawing, and interviewing the region's planners, tourism planners, developers, local communities, and government officials.

2.1. Data Collection Methods

Similar to other research, in selecting the appropriate data collection methods this research took into consideration the availability and access to the related data (Aranoff, Levy, Tuchman, & Daras, 1985). Considering the time limit and the scattered, unavailability, or inaccessible nature of data within the context of the Kurdistan Region and even Iraq, during the proposal stage, this research consulted various experts and online and hardcopy resources to determine the most efficient and effective data collection methods. Also, the extensive literature reviews highly influenced the selection of the data collection methods. The followings are the identified data collection methods for this research:

2.1.1 Semi-Structured Interviews

The research adopts semi-structured interviews as a data collection instrument for collecting some of the qualitative data involving related professionals, decision-makers, and stakeholders. This is mainly because interviews enable the collection of a vast amount of in-depth information. It also gives researchers and/or interviewees the flexibility of asking additional follow-up questions and giving clarifications. For the interviews, this research collected data from existing and former staff such as directors, heads of units, architects, urban planners, surveyors, lawyers, legal advisors, administration staff, and statisticians. The interviews were also extended to other government officials (local and regional governments), representatives from Non-Governmental Organizations (NGOs), academics, and other key stakeholders from the local community.

2.1.2 Maps and Drawings Analysis

Due to the spatial focus of this research, maps, and drawings constitute an important data source for analyzing the relationship between the land-use policies and/or regulations and the spatial aspect of tourism development. With the lack of a comprehensive and reliable map or drawing for the entire case study area, this research collected a range of old and new maps (in the form of AutoCAD drawings or printed old surveys) for different parts of the case study and from different directorates and stakeholders. Interestingly, the most integrated and reliable map for the case study area was obtained from a private telecommunication company (Asia Cell) that collected and integrated various maps of Dukan town for one of their projects involving installing cell towers.

This research also collected and analyzed satellite images for the case study area. Through GIS software, various spatial and non-spatial features of the case study area (such as land uses, roads boundary, and Dukan town municipality zone within the case study) have been identified and analyzed.

2.1.3 Field Notes and Documentation

Lack of regular documentation and up-to-date and reliable maps necessitate maps and drawing verification in this research. For this purpose, the researchers undertook several field visits to compare the data in the maps and AutoCAD drawings with the spatial features and physical structures in the
case study area. This includes checking street positions and types (main, secondary, or service), bridge locations, project types, names, boundaries, land-use designations, illegal constructions, and structures. Notes collected during these field visits were also used and analyzed for increasing the quality and accuracy of this research data. This research also collected and analyzed notes and feedback from the interviews with various experts and professionals from the related directorates and departments. We also collected and analyzed various documentation in the form of regulations, laws, and reports.

### 2.1.4 Statistics

This research also collected and analyzed various data such as the number and type of tourists and projects, and project areas from different departments and units at the General Directorates of Tourism in Sulaimani, General Directorates of Tourism in Dukan, and General Directorate of Agriculture in Sulaimani. Some of these data were collected from two or more directorates or departments to increase the accuracy of the data collection.

### 2.2 Case Study: The Lower Dukan in the Central Dukan Sub-District, Kurdistan Region of Iraq

Central Dukan sub-district is located in the Dukan district in Sulaimani Province in the Kurdistan Region of Iraq (KRI). Dukan district is a mountainous district that covers an area of 1782.7 square kilometers and is more than 780 meters above sea level (A. J. Ahmed, 2014). In general, the Dukan district has a Mediterranean climate that is cold and snowy in winter and hot and dry in summer. Dukan central sub-district, a main town in the Dukan sub-district, was originally a village belonging to the Sirdash sub-district on a small river. The importance and reputation of Dukan as a tourism destination date back to 1956, when the Dukan Dam was built. This is mainly because the hydroelectric dam led to the creation of the largest human-made lake and reservoir in the Kurdistan Region of Iraq. Dukan Lake is a major source of water on the Zey Khwaru River. Since the construction of the dam, the Dukan district has grown to become a large town and the center of the Dukan district. Dukan’s tourism features come from its proximity to the river, dam, geographical location, natural landscape, and climate. Due to its wealth of historical, cultural, and natural resources, Dukan town is a popular destination for foreign tourists.

Locally, the touristy parts of Dukan town are known as Upper Dukan and lower Dukan in the northern and southern parts of the town. Due to the scope of this research, data availability, and access challenges, and to facilitate an in-depth investigation of the case study, this research focuses on analyzing tourism development in the lower Dukan as a case study for understanding the performance in implementing public tourism policy Figure 1.
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Figure 1: Satellite map view of part of Dukan town with the case study area.

The case study area (lower Dukan) is approximately 109,546 hectares (N. A. Ahmed, 2020). It has a strip shape where the river flows through and divides it into two parts, Qamchugha and Sartka. The Qamchugha lands cover an area of about 56,459 hectares (composing 52% of the Lower Dukan), while the Sartka lands cover an area of about 13,567 hectares (composing 12% of the Lower Dukan). The water area between the two parts accounts for 36% of the Lower Dukan with an area of 39.52 hectares (Figures 2 and 3).

Figure 2: Qamchugha and Sartka area distribution in the lower Dukan (by author).
Until 1991, the Dukan central sub-district and other parts of the Kurdistan Region were inclusively governed by Iraqi national policies, laws, and regulations. This started to change in the aftermath of the Kurdish uprising in March 1991 (during the Gulf War) and soon after the establishment of the no-fly zones conflict under the UN’s Security Council Resolution 688 when the Kurdistan Region became a semi-autonomous region with its own legislative body (parliament). Since then, the parliament and government in the Kurdistan Region have issued several laws, decisions, and regulations that addressed and regulated the emerging political and socioeconomic needs of the Kurdistan Region, including those related to land management and tourism development. In 1992, law (No.15) was issued by the Parliament Kurdistan Region (Law of the Ministry of Municipalities and Tourism in KRI,1992). Although this law is not directly related to land management, it outlined the establishment and structure of an administrative body (the Ministry of Municipality and Tourism) that plans and manages land use, among other responsibilities.
3. Results and Discussion

3.1 The State of Tourism Development in Lower Dukan

Historically, conflicting policies, ideologies, and socioeconomic and political factors greatly affected land management and land use policy, laws, and regulations in Iraq and the Kurdistan Region of Iraq (KRI). These effects extended to the development of all sectors, including tourism. KRI still lacks a comprehensive and informed land-use policy that addresses the need for sustainable tourism development regionally and locally. To this day, only a limited number of generic laws, decisions, and regulations manage lands in KRI, including tourism lands. As a result, tourism development in the lower Dukan (Qamchugha and Sartka) appears to be not locally informed, inconsistent, fragmented, small-scale, and unsustainable.

As appears in Figure 4, this relatively small area includes three main land-use types (residential, recreation, and agricultural). The residential area (weekend houses) is even within the administration boundary of a different authority (Dukan Municipality) from the rest of the area (Dukan Tourism Directorate) Figure 5. This land-use designation, under a special decision from the Council of Ministers, appears to be out of context, unplanned, and a response to the need of a group of private owners as supposed to the public interest and integrated tourism development for the area.

Figure 4: Land use and project types in the case study area (by author).
Figure 5: Boundaries of Dukan Municipality in the case study area (by author).

The vast majority of the area has been already developed. The largest portion of land in the case study area (nearly 70%) is dedicated to tourism projects and associated services (Figure 6). The public or private green areas represent up to 5% of the area. The remaining 6% of the land is still vacant from legal disputes (unresolved land ownership) or development terms and conditions violations.

Figure 6: Land use types distribution in the case study area (by author).
The projects in the case study area are largely small-scale and/or temporary in nature. These projects can be categorized into two main tourism project types: temporary projects (picnic tents) or permanent projects (motels and resorts). The majority of the projects (both in terms of number and area) are small-scale resorts, composed of a limited number of small tourist houses with or without picnic tents on the river bank (Figure 7).

![Figure 7: Tourism project types in the case study area (by author).](image-url)

As appears in Figure 8, the vast majority of tourism development in the lower Dukan took place in 10 years from 2002 to 2012. This timing is consistent with the economy booming of the post-2003 economic boom in Iraq and KRI that followed the fall of the Ba’ath regime and the lifting of the political and economic sanctions on Iraq rapidly accelerated the legal and illegal development of the tourism sector in Dukan and other popular tourist destinations in KRI.
Figure 8: Tourism project development by year in the case study area (by author).

These small-scale resorts have become a signature of tourism activity in lower Dukan (as it was for the upper Dukan prior to 1991). The geographic location and features of the case study area (divided by a river, mountain view, and adjacent to an intercity highway), made demands on these small-scale low-cost tourism resorts high, and as a result, more similar projects have been developed in a short period of time. The seasonality nature (popular in spring and summer and low to no use in fall and winter) of the resorts and picnic tents has been a main challenge for the tourism sector (in general) and project owners (in specific). However, the influx of local tourists from the middle and south of Iraq and changing interest by locals from nearby cities in recent years is making the resorts and motels in lower Dukan a tourist destination during the fall and winter seasons as well.

The service projects (a gas station, a bus terminal, Water Supply Directorate) appear to be arbitrary or pre-dating the tourism developments in lower Dukan, and not addressing the needs of the tourists and projects. As a result, the tourism parts are not self-sufficient in terms of supporting services. The case study area’s proximity to the vibrant town of Dukan is helping with filling the service needs gaps. On one hand, this produces economic opportunities for the town; on the other hand, it brings big crowds and noise to the town and its residents.
3.2 Land Use Policy and Law Effects on Tourism Development in Lower Dukan

The inconsistent, fragmented, small-scale, and unsustainable tourism development is largely due to the lack of effective land-use policy and planning related to tourism. Our reviews and data collection revealed the absence of comprehensive and long-term land-use policies and laws. It was not until 2022 that the first relatively comprehensive tourism-dedicated law has been issued (Tourism Law in KRI, 2022). And even that is yet to be implemented. To this date, tourism-designated lands in the lower Dukan (and other tourism areas in the region) are regulated through a number of inconsistently applied laws and a decision. Within the focus of this research, our reviews and data collection identified a total of seven land management-related laws and a decision that affected tourism development in KRI, including the lower Dukan (Figure 9).

**Figure 9**: Land management-related laws and decisions in the Kurdistan Region of Iraq (by author).

In consultation with experts with the General Directorates of Tourism in Dukan, we identified the border of the existing projects in lower Dukan on the map and then collected data about each project, including the law that was used to assign the lands to and develop the projects. We then added the law No.s to each project on the map (Figure 10). As it appears, only three laws and a decision affected tourism project development in the lower Dukan on various levels, degrees, and timescales (Figure 10).
Except for the most recent law (Law No. 9 of 2022) that is yet to be implemented, none of the other valid applied laws (explained above) are specific or comprehensive to tourism development. For most, these laws regulate the designation, re-categorization, selling, and leasing of government-owned (public) lands, including tourism lands.

The first law that affected tourism development in Qamchugha and Sartka is Law No. 32 of 1986, known as the Law of Selling and Renting State-Owned Properties. This law is from the Ba’ath party era (before the 1991 uprising in the KRI). This law enables selling or leasing state-owned properties through a public auction, provided it is in the public interest. In doing so, the law aims at protecting state properties and managing them transparently and fairly. The law deals with land management and land use designation in general, without addressing tourism development’s specific needs. As appears in Figure 11, about 19% of the case study area (15 projects out of a total of 118 projects in the case study area with various areas) was developed with this law.

**Figure 10:** The applied land management-related laws and a decision in the lower Dukan (by author).
Figure 11: The percentage of the applied land management-related laws and a decision in the lower Dukan (by author).

The post-1991 uprising political instability and economic turmoil from two sanctions on KRI (one from an international sanction on Iraq and another from the Ba’ath government’s sanction on the semi-autonomous KRI) staled any development in KRI, including tourism development. The post-2004 economic boom and revival (mentioned previously) resulted in issuing a decision and three laws (including the highly influential Investment Law) in three years between 2004 and 2006 that addressed tourism (including the establishment of the first independent tourism authority called the State Organization of Tourism).

Political issues between the two main political parties in the Kurdistan Region have resulted in having two similar tourism authorities, one in Erbil and another in Sulaimani. These laws emphasized the investment nature of tourism development in the region to encourage local and international investors in developing tourism projects, attract local and international tourists, and generate large and reliable revenue from the tourism sector. These laws enabled the long-term leasing of tourism lands to investors who develop investment tourism projects in the region. The law highly encouraged investment projects in the region by providing big incentives, mainly leasing the lands at very low prices. This raised wide critics and led to very rapid and unsustainable tourism development in the lower Dukan by private owners and local investors who do not qualify as “investors” by international standards and as described in the laws themselves. As our land-use analysis from mapping the project types in relation to the land-management related laws show (Figure 12), under these laws, a total of 38% of the case study area (a total of 17 projects) has been developed as small-scale and temporary tourism projects by local investors that are not strategic in nature and (to some extent) should not be considered investment projects by international standards. Aside from the region’s lack of big investors soon after 2004 and its inability to attract big investors from outside the country due to post-war political instability, the laws and decisions themselves were not comprehensive and lacked long-term vision and planning for sustainable and strategic tourism development.
Figure 12: Mapping the project types in relation to the applied land management-related laws and the decision in the lower Dukan (by author).

Within this percentage, some of the projects are underdeveloped (building a fence and left vacant). A large area of the case study area (43%) is illegally or informally developed without any formal registration, permit, or consideration to the local and regional authorities. The lack of or inaccessibility of documentation and official data from related directorates and departments make it difficult to determine the timing of such illegal or informal developments. Public access to the river bank is limited due to the large privatization of the tourism lands or development type, largely due to the lack of people-centric land-use policies and laws. In an attempt to address and mitigate the negative impacts of the informal and illegal land developments inside or outside municipal boundaries in KRI (including those in the tourism areas), the KRI parliament issued Law No. 3 of 2018 (Law on Prevention of Excessive Encroachment on State Land and Property, 2018).
3.3 Challenges of Tourism Development in Lower Dukan

Tourism development in the case study area had and continues to experience a number of short-term and long challenges. These challenges are due to many interrelated factors, including uncontrolled, unsustainable, rapid, and unplanned tourism development patterns, lack of effective land management instruments and enforcement, and underdeveloped tourism institutions and capacity.

Disputes and unresolved land ownership and management as well as weak and inconsistent enforcement of laws (including those related to land use) remain one of the main hurdles for any comprehensive and planned tourism development plans in the KRI, including lower Dukan. Back in 2012, the State Organization of Tourism (after the integration of the two entities in Erbil and Sulaimani) commissioned a group of foreign and specialized companies (from the lack of such companies in the region) to develop a comprehensive master plan for regulating the lands (among other matters) in all the tourism lands in the region. Despite the completion of that master plan in 2013, the implementation of the master plan is yet to happen from unresolved land-related disputes, the plan’s disconnect with the facts on the ground (as some professionals suggest), and the region’s political and economic fluctuations.

The related laws and decision that regulates tourism development and land management in the region are not up-to-date and not contextualized. The KRG’s early incentivization strategy of leasing public tourism lands at high discount rates to inexperienced “local investors” and past land owners are highly blamed for the rapid, fragmented, small-scale, and unsustainable tourism development in lower Dukan. The KRG’s limited resources and understanding of tourism development and its lack of long-term vision and planning in the early 2000s resulted in several laws and a decision that has negatively affected tourism development in the case study area and beyond. For example, the decision to designate highly demanded lands on the river for the private use (weekend house) of an elite group (influential and wealthy medical doctors) resulted in disconnecting an attractive part of lower Dukan from the rest of the area both in terms of land-use designation and management. Also, the local authorities' inability to resolve the various land ownerships that existed in lower Dukan (and other tourism areas) resulted in a law that enabled small segmentation of the tourism lands (including those in lower Dukan) and development of small-scale and unstrategic tourism projects. According to this law, private land owners or those with long-term lease contracts registered during the Ba’ath era can keep up to 20% of the tourism lands with the condition of turning them into tourism projects while also having priority to lease the remaining 80% at a low price provided they turn it into a tourism project. Most often, these tourism projects were small-scale, low in quality, and repetitive. Also, claims of mismanagement, undermanagement, inconsistent management, and exploitation of high-stakes tourism lands such as those in the popular lower Dukan have been around for a long time, especially at the peak of the post-2004 economic boom between 2004 and 2012.

- What are the land-use management instruments in KRI and how tourism lands are managed in KRI?
- What is the state of tourism development in lower Dukan and why?
What are the effects of the existing land-use management instruments (policy, laws, and regulations) on tourism development in the lower Dukan (as a case study for comparable tourist destinations in KRI)?

4. Conclusion

Our research determined that a total of seven land management-related laws and a decision have been guiding tourism development in KRI, including the lower Dukan. Only three of those laws and the decision managed tourism lands in lower Dukan. In general, tourism development in lower Dukan has been rapid, inconsistent, fragmented, small-scale, and unsustainable. The country and (therefore) region’s changing policies and socioeconomic, and political factors all affected the pace and style of tourism development in lower Dukan. The regional government’s land-based incentivization strategy for encouraging tourism development, loose land-use regulations and project implementations, and long-standing and unresolved land ownership issues have contributed to the development of none strategic, low-quality, and even informal or illegal tourism projects that are inconsistent with KRI’s aspirations and objectives for the tourism sector. The traditional understanding of development combined with weak institutions and outdated land-use management practices are making tourism development in the lower Dukan (as a case study for other tourism areas in KRI) sluggish and small scale. The volatile socioeconomic and political conditions of the region have been also hurdling developing and enforcing informed, comprehensive, and coherent land-use management and tourism development strategies in KRI. Limited access to information about some aspects of the tourism lands is creating major challenges for in-depth analyzing some of the challenges of tourism development in the lower Dukan and other tourism areas in the KRI. The region’s increased motivation to develop its tourism sector, lower Dukan’s geography and strategic location, and increase in the number of tourists from the middle and south of Iraq create opportunities for adopting sustainable tourism development principles and practices and mitigating risks and negative impacts from the existing unsustainable tourism development.

These effects extended to the development of all sectors, including tourism. KRI still lacks a comprehensive and informed land-use policy that addresses the need for sustainable tourism development regionally and locally. To this day, only a limited number of generic laws, decisions, and regulations manage lands in KRI, including tourism lands. As a result, tourism development in the lower Dukan (Qamchugha and Sartka) appears to be not locally informed, inconsistent, fragmented, small-scale, and unsustainable.

Our data collection and field visits also revealed the absence of reliable land management-related data, statistics, documentation, and maps that inform and enable effective and long-term tourism planning and developments. In fact, to this date, the government authorities that designate and manage tourism lands in the region still use the British-era cadastral maps from the lack of reliable and up-to-date land surveys and maps to be by the municipalities for land use planning and designation (including tourism land-use) in Iraq and KRI. So, both Dukan Municipality and Dukan Tourism Directorate are using a Base Map which is based on the fragmented British-era cadastral maps. The only accurate comprehensive map that we found for this research, which combines different parts of Dukan town, is from a project by Faruk Holding. This research recommends future research that
documents the state of tourism development in the upper Dukan and other tourism areas in KRI. Future research can also extend to an in-depth evaluation of the projects and investigate their environmental, economic, and social impacts.

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